IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 30TH MAY 2007 / 9TH JYAISHTA 1929

WP(C).No. 3812 of 2007(D)

PETITIONER:

P.G.VILASINI, W/O.K.S.NALINAKSHAN,
KANDAVATH HOUSE, EAST KADATHUR,
VELLOORKUNNAM, MOOVATTUPUZHA MARKET P.O.

BY ADV. SMT.S.SMITHA (PARAKKAL)

RESPONDENTS:
---

1. THE REVENUE DIVISIONAL OFFICER,
ERNAKULAM.

2. TAHASILDAR, TALUK OFFICE,
MUVATTUPUZHA.

BY G.P. SRI. MOHAMMED RAFFIQ

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 30/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

C.N.RAMACHANDRAN NAIR,J.

W.P.C. NO. 3812 OF 2007

Dated this the 30th day of May, 2007

JUDGMENT

The short dispute pertains to plinth area of the petitioner's residential building. According to him, the plinth area is 266.48 sq.metres and according to the Tahsildar it is 280.84 sq. metres. In view of the controversy I direct the second respondent to take the service of the Asst. Exe. Engineer of the PWD of the local area to measure the plinth area in the presence of the petitioner. The Asst. Exe. Engineer is directed to measure the plinth area and specifically show the disputed areas for the second respondent to decide the matter with reference to statutory provisions and Court decisions. Petitioner is free to cite any judgment of this Court pertaining to plinth area before the second respondent for his decision. Liability will be refixed by the second respondent through a speaking order after receipt of measurement report from the Asst. Exe. Engineer, PWD, and after hearing the petitioner. If petitioner is found to have no liability, collected luxury tax will be refunded to the petitioner and if petitioner

is found liable cost of Rs. 3,000/- will also be recovered by the Tahsildar from the petitioner for unnecessarily dragging the Asst. Exe. Engineer in the matter.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge